

*Atty Docket: 210491US00 (4081-05200)**Patent***REMARKS/ARGUMENTS*****Status of Claims***

Claims 1, 4, 18, and 20 have been amended.

Claims 2 and 19 have been canceled.

As such, claims 1, 3-18, and 20-31 are currently pending in this application.

Applicant hereby requests further examination and reconsideration of the presently claimed application.

***Restriction Requirement***

Applicant confirms the election of Group I, claims 1-17. Applicant respectfully requests that the Examiner reconsider and withdraw the restriction requirement. The Manual of Patent Examining Procedures (MPEP) section 803 states:

If the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions. (emphasis added)

Applicant respectfully submits that there will be no additional burden on the Examiner to search and examine all of the pending claims. The search required for Group II, claims 18-31, drawn to a wellbore servicing fluid, will inherently overlap with the search required for Group I drawn to methods of reducing fluid loss from such wellbore service fluids. More specifically, independent composition claim 18 of Group II recites the same terpolymer as independent claim 1 of Group I, which the Examiner has already thoroughly searched. Given that there is no additional search burden to examine Group II, Applicant respectfully requests rejoinder of same. In an effort to facilitate rejoinder, Applicant has amended independent composition claim 18 to correspond to the amendments to independent method claim 1.

**Atty Docket: 210491US00 (4081-05200)****Patent*****Claim Rejections – 35 U.S.C. § 102***

Claims 1-17 stand rejected under 35 USC § 102(b) as being anticipated by *Stahl* (US 6,030,928) or *Heier* (US 6,380,137). Claims 2-17 depend on independent claim 1, thus claims 1-17 stand or fall on the application of *Stahl* or *Heier* to independent claim 1. According to MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Applicant submits that neither *Stahl* nor *Heier* teaches each and every element as set forth in independent claim 1, and consequently fails to anticipate claims 1-17. Amended independent claim 1 now recites a wellbore servicing fluid comprising a terpolymer formed from (a) from greater than about 80% to about 95% of 2-acrylamido-2-methylpropanesulfonic acid or an alkali salt thereof, (b) from about 3% to less than about 10% of N-vinyl-2-pyrrolidone, and (c) from about 3% to less than about 10% of acrylamide. Applicant respectfully submits that neither *Stahl* nor *Heier* teaches the specific ranges of monomers recited in amended claim 1, and thus claims 1-17 are not anticipated by the prior art of record.

***Claim Rejections – 35 U.S.C. § 103***

Claims 1-3, 5-11 and 15-16 stand rejected under 35 USC § 103(a) as being obvious over *Reddy* (US 6,176,315) in view of *Stahl*. Applicant respectfully submits that the prior art of record does not establish a *prima facie* case of obviousness as to the pending claims. According to MPEP § 2142, three basic criteria must be met to establish a *prima facie* case of obviousness:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

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Assuming for sake of argument that the combination of *Reddy* and *Stahl* is proper (and without conceding such), the Examiner has nonetheless failed to establish a *prima facie* case of obviousness as such a combination does not teach or suggest all of the claim limitations. Amended independent claim 1 now recites a wellbore servicing fluid comprising a terpolymer formed from (a) from greater than about 80% to about 95% of 2-acrylamido-2-methylpropanesulfonic acid or an alkali salt thereof, (b) from about 3% to less than about 10% of N-vinyl-2-pyrrolidone, and (c) from about 3% to less than about 10% of acrylamide. As noted by the Examiner on page 9 of the office action, the primary reference, *Reddy*, does not disclose any range percent limitations regarding the weight ratios of the three monomer components of the AMPS/NVP/AM terpolymer. The Examiner relies on col. 22, lines 25-30 and col. 33, lines 32-39 of *Stahl* as teaching that polymer having a high weight percent ratio of sodium-AMPS (80-95 percent) to NVP (5-20 percent) are particularly suitable for water loss control in drilling muds, such as high temperature, geothermal drilling fluids. Applicant respectfully submits that the portions of *Stahl* relied upon by the Examiner discuss a copolymer composition having two monomers, namely sodium-AMPS and NVP, and do not discuss a terpolymer composition as is recited in the pending claims. Applicant respectfully directs the Examiner's attention to the following text of *Stahl* at col. 22, lines 18- 24 (emphasis added):

In certain applications it is believed there is an advantage to polymer compositions having at least 20 weight percent each of the vinyl-containing sulfonate [e.g., AMPS] and the N-vinyl lactam (more broadly N-vinyl amide) [e.g., NVP] and 0-40 weight percent of the unsaturated amide [e.g., AM]. In other instances compositions having at least 10 weight percent of all three monomers (lactam, amide and sulfonate) [e.g., NVP, AM, AMPS] are preferred.

Thus, when considering a terpolymer composition as recited in the pending claims, *Stahl* teaches or suggests having at least 20 weight percent AMPS, at least 20 weight percent NVP, and 0-40

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weight percent AM. More specifically, where all three are present *Stahl* teaches that the terpolymer should comprise at least 10 weight percent each of AMPS, NVP, and AM. In contrast, independent claim 1 now recites (b) from about 3% to less than about 10% of N-vinyl-2-pyrrolidone, and (c) from about 3% to less than about 10% of acrylamide. Applicant respectfully submits that the combination of *Reddy* and *Stahl* (if proper), does not teach or suggest the specific ranges of monomers recited in amended claim 1, and thus claims 1-17 are not obvious over the prior art of record.

*Atty Docket: 210491US00 (4081-05200)**Patent***CONCLUSION**

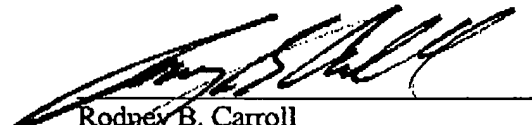
Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections is respectfully requested by Applicant. No new matter is introduced by way of the amendments. It is believed that each ground of rejection raised in the Office Action dated February 1, 2006 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

CONLEY ROSE, P.C.

Date: \_\_\_\_\_

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